

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DATE FILED: 5/12

REGINALD HOLMES,

Plaintiff,

-against-

WILLIAM FRAISER, COMMISSIONER OF
N.Y.C.D. OF CORRECTIONS, et al.,

Defendants.

07 Civ. 6044 (LAK) (AJP)

ORDER OF DISMISSAL ON CONSENT

ANDREW J. PECK, United States Magistrate Judge:

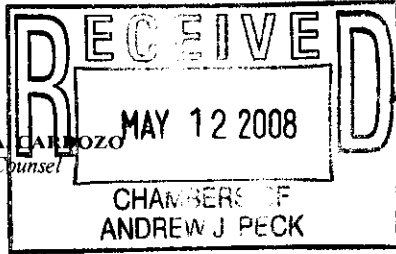
The parties having informed the Court that they have reached a settlement agreement in principle and are finalizing settlement documents (see attached letter), IT IS HEREBY ORDERED THAT this action is dismissed with prejudice and without costs, provided, however, that any party may reinstate the action within 30 days hereof if the settlement is not fully effectuated. The June 4, 2008 status conference is cancelled. Any pending motions are to be terminated as moot.

SO ORDERED.

DATED: New York, New York
May 12, 2008

Andrew J. Peck
United States Magistrate Judge

Copies to: Reginald Holmes (Mail)
Morgan D. Kunz, Esq. (Fax)
Judge Lewis A. Kaplan



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May 9, 2008

BY HAND

Honorable Andrew J. Peck
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Reginald Holmes v. Commissioner Fraser, et al
07 Civ. 6044 (LAK)(AJP)

Your Honor:

I am the attorney in the Special Federal Litigation Division of the New York City Law Department assigned to the defense of the above matter. In that capacity, I write to inform the Court that the parties have reached an agreement in principle to settle this matter. Accordingly, I will forward the requisite documents to plaintiff *pro se* for execution. As soon as the papers are fully executed, I will duly submit the Stipulation and Order of Settlement and Discontinuance to Judge Kaplan for endorsement. As the parties have reached an agreement in principle to settle this matter, defendant respectfully requests that the status conference scheduled for June 4, 2008 at 9:30 a.m. be canceled as moot.

I thank the Court for its time and consideration in this matter.

Respectfully submitted,

Morgan D. Kunz
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Hon. Lewis A. Kaplan, United States District Judge (by Hand)

Reginald Holmes, #07-A-1034, plaintiff *pro se*
Franklin Correctional Facility
62 Bare Hill Road, PO Box 10
Malone, New York 12953 (By First Class Mail)